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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,420	11/21/2003	Jean-Luc Meunier	D/A3230	3396
25453	7590	03/13/2006	EXAMINER	
PATENT DOCUMENTATION CENTER XEROX CORPORATION 100 CLINTON AVE., SOUTH, XEROX SQUARE, 20TH FLOOR ROCHESTER, NY 14644			MULL, FRED H	
			ART UNIT	PAPER NUMBER
			3662	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/719,420	Applicant(s) MEUNIER, JEAN-LUC	
	Examiner Fred H. Mull	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,10 and 12-15 is/are rejected.
- 7) ☒ Claim(s) 2,4,7-9,11,16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3, 5-6, 12-13, and 15 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Stayton.

In regard to claim 1, 3, 5-6, and 12-13, Stayton discloses:

characterizing at a first device any detected wireless network radio signals;

receiving any broadcast network characteristics from at least one other device on the network;

comparing the first device network characteristics with the received network characteristics from the at least one other device on the network;

if the network characteristics are within a predetermined relationship, the first device and the at least one other device are in proximity with one another (¶57; ¶74) where the position determination is just a transformation of network radio signal

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characteristics, and if the positions are close enough, the devices are in proximity with one another.

In regard to claim 15, Stayton further discloses associating an action or situation of the device with the network characteristics at the first location (¶58), where the situation is the device speed, altitude, and vertical speed.

2. Claims 1, 3, 5-6, 12-13, and 15 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Saint-Hilaire.

In regard to claim 1, 3, 5-6, and 12-13, Saint-Hilaire discloses:

characterizing at a first device any detected wireless network radio signals (Fig. 3; col. 3, lines 27-52; col. 4, line 14-30), where the position is data modulated on the signal that is read off, much the same as the MAC address is in the example given in applicants specification;

receiving any broadcast network characteristics from at least one other device on the network (col. 6, lines 30-39);

comparing the first device network characteristics with the received network characteristics from the at least one other device on the network (Fig 9), where the positions are compared;

if the network characteristics are within a predetermined relationship, the first device and the at least one other device are in proximity with one another (910, Fig 9).

In regard to claim 15, Saint-Hilaire further discloses associating an action or situation of the device with the network characteristics at the first location (920, Fig. 9).

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3. Claims 1, 3, 5-6, and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Whitehead.

In regard to claim 1, 3, 5-6, and 12-13, Whitehead discloses:

characterizing at a first device any detected wireless network radio signals (12,

Fig. 1; ¶13);

receiving any broadcast network characteristics from at least one other device on the network (24; ¶13);

comparing the first device network characteristics with the received network characteristics from the at least one other device on the network (¶13);

if the network characteristics are within a predetermined relationship, the first device and the at least one other device are in proximity with one another (¶13), where, if the relative distance is small, the devices are in proximity with one another.

In regard to claim 14, Whitehead further discloses synchronizing with any received UDP packets containing broadcast network characteristics (¶13).

In regard to claim 15, Whitehead further discloses associating an action or situation of the device with the network characteristics at the first location (¶13), its relative position.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stayton.

Stayton fails to disclose a time-stamped journal. However, the invention of Stayton included manned aircraft flying in close proximity. "Black-boxes" are known to record time-stamped readings from aircraft instrumentation in order to determine what went wrong in the case of a crash. It would have been obvious to include black-boxes in aircraft that are flying in close proximity, and hence may crash, and to record the readings from the plane's instrumentation, including its position, velocity, altitude, and vertical speed sensor.

Allowable Subject Matter

5. Claim(s) 2, 4, 7-9, 11, and 16-17 is/are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The examiner also finds the following reference(s) relevant:

Godfrey and Schnurr, where a server determines whether two devices are in proximity and informs them.

Applicant is encouraged to consider these documents in formulating their response (if one is required) to this action, in order to expedite prosecution of this application.

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7. The examiner also finds the following reference(s) relevant, but not prior art:

Meunier and Krumm.

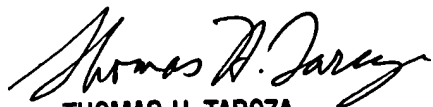
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred H. Mull whose telephone number is 571-272-6975. The examiner can normally be reached on Monday through Friday from approximately 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fred H. Mull
Examiner
Art Unit 3662

fhm


THOMAS H. TARCZA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600